

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership

2 Including Professional Corporations
MICHAEL H. AHRENS, Cal. Bar No. 44766

3 STEVEN B. SACKS, Cal. Bar No. 98875

TIMOTHY C. PERRY, Cal. Bar No. 248543

4 Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4106

5 Telephone: 415-434-9100

Facsimile: 415-434-3947

6 Email: mahrens@sheppardmullin.com
ssacks@sheppardmullin.com
7 terry@sheppardmullin.com

8 Attorneys for The Billing Resource, dba
Integretel

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 In re:

Civ. Case No. C-07-5758-JW

14 THE BILLING RESOURCE, dba
15 Integretel, a California Corporation,

Bk Case No. 07-52890

16 Debtor.

17 FEDERAL TRADE COMMISSION,

Adv. Pro. No. 07-05156

18 Movant,

19
20 v.

21 THE BILLING RESOURCE, dba
22 Integretel, a California corporation,

23 Respondent.

24
25 NOTICE OF SETTLEMENT IN PRINCIPLE
AND
26 STIPULATION CONCERNING REVISED BRIEFING SCHEDULE FOR
27 APPEALS BY THE FEDERAL TRADE COMMISSION AND THE RECEIVER
AND NEW HEARING DATE FOR APPEALS AND FOR THE COMMISSION'S
MOTION TO WITHDRAW REFERENCE

1 Defendant-appellant the Federal Trade Commission (“Commission”),
2 defendant-appellant David Chase, the Receiver appointed by the United States District
3 Court for the Southern District of Florida in *FTC v. Nationwide Connections, Inc.*, No. 06-
4 CV-80180-Ryskamp/Vitunac (S.D. Fla.) (the “Receiver”), and debtor-plaintiff-appellee
5 The Billing Resource dba Integretel (“Integretel”) (collectively referred to herein as the
6 “Parties”) hereby stipulate as follows:

7 1. Integretel and counsel for the Commission have negotiated a settlement in principle
8 of this adversary proceeding and all other matters related to Integretel conditioned on final
9 documentation, on closing of a sale of the operating assets of TBR, on settlement with the
10 Receiver, and on approval by the Commissioners of the FTC, the Bankruptcy Court and the
11 Southern District of Florida District Court (the “Proposed Settlement”). The hearing on the sale of
12 TBR’s operating assets is set for May 29, 2008.

13 2. In light of the settlement in principle, the parties agree to the following
14 briefing schedule and hearing date for the three appeals by the Commission and the appeal
15 by the Receiver pending before this Court that have been consolidated in Case No. 07-cv-
16 5758-JW. The Parties further stipulate to a revised hearing date for the Commission’s
17 motion to withdraw the reference to the bankruptcy court of the Amended Complaint in the
18 adversary proceeding styled *The Billing Resource dba Integretel v. David Chase and the*
19 *Federal Trade Commission*, No. 07-AP-5156 (Bankr. N.D. Cal.). In the event that the
20 settlement is not accomplished then the parties will proceed on the following briefing and
21 hearing schedule:

22 3. As to the appeals:

23 a. The Commission’s and the Receiver’s opening briefs have been filed and
24 served electronically on or before April 7, 2008;

25 b. Integretel’s appellee brief shall be filed and served electronically on or
26 before July 21, 2008;

27 c. The Commission’s and the Receiver’s reply briefs shall be filed and
28 served electronically on or before August 18, 2008; and

1 d. Oral argument shall take place on September 8, 2008, at 9:00 a.m.

2 4. As to the motion for withdrawal of reference, all briefs have been filed and
3 served. Oral argument shall take place on September 8, 2008, at 9:00 a.m.

4 5. A proposed order incorporating these dates is being filed along with this
5 Stipulation.

6 Dated: May 15, 2008

7 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
8
9

10 Bv /s/ STEVEN B. SACKS
11 STEVEN B. SACKS
12 Attorneys for Debtor THE BILLING RESOURCE,
dba INTEGRETTEL

13 Dated: May 15, 2008

14 DANNING, GILL, DIAMOND & KOLLITZ
15

16 By /s/ Walter Oetzell¹
17 WALTER OETZELL
18 Attorneys for David Chase, as Receiver

19 Dated: May 15, 2008
20
21

22 By /s/ Michael P. Mora
23 MICHAEL P. MORA
24 Attorney for The Federal Trade Commission
25
26

27 ¹ Pursuant to General Order 45, § X(B), Steven B. Sacks attests that the signatories'
28 concurrence in the filing of this document have been obtained.